ATTACHMENT 6

DRAFT
CITY COUNCIL
RESOLUTION NO.
MID-CITY COMMUNITIES DEVELOPMENT PERMIT/
RESOURCE PROTECTION ORDINANCE PERMIT
CAMBRIDGE SQUARE
(MMRP)

WHEREAS, Mehran Saberi, President, Mayfair Homes, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing Elk's Lodge building and construct 34-unit residential condominiums, two to four stories over an underground garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 96-7749, on portions of a 0.69 acre site and;

WHEREAS, the project site is located at 2720 Fourth Avenue of the Uptown Community Plan Area and;

WHEREAS, the project site is legally described as Lots D through I inclusive in block 308 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L.L. Lockling, on file in the Office of the County Recorder of Said County of San Diego, and;

WHEREAS, on January 9, 2000, the City Council of the City of San Diego considered Mid-City Communities Development Permit, Resource Protection Ordinance Permit No. 96-7749 pursuant to Sections 101.0462 and 103.1503 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego as follows:

That the City Council adopts the following written Findings, dated Janaury 9, 2000.

FINDINGS:

Resource Protection Ordinance (Alternative Compliance ~Municipal Code Section 101.0462)

a. There are special circumstances or conditions applying to the land which are peculiar to such land and not of the applicant's making whereby the strict application of the provisions of this section would deprive the property owner of reasonable use of the land;

Physical Conditions

The original building at 2720 Fourth Avenue was built in 1905 as a single family residence for Mrs. Bertha Mitchell. Mrs. Mitchell vacated the residence in 1922 and it remained vacant until 1929 when it was converted into the Terpezone Clinic. During the

1930's the building was converted for use as a restaurant and, during the 1940's and 1950's it was again converted for use as rental housing. The property was purchased for its final conversion into an Elks Lodge in 1955. The conversion into an Elks Lodge resulted in the addition of a large two story brick Hall on the west side which completely eliminated the original west facade. On the north facade, a one story stucco bar room was added, completely altering the ground floor of that facade. All of the hipped roofs at the projecting wings, windows and porches have been removed and all of the large terrace has been enclosed. Two chimneys have been removed as have several window openings, which were subsequently filled in with brick. The turret element on the east facade has been shortened, its windows filled in and its hipped roof removed. One new window has been added to the east facade. The low brick walls on either side of the entrance have been removed. The porte cochere has been enclosed and a second level added above.

By 1991, a 60- to 80-foot long section of the brick garden wall had collapsed and, more recently, the brick veneer over the main entrance separated from the wood framing, fell to the ground and had to be replaced with stucco.

In 1991, the structure was the subject of a Feasibility Study for Rehabilitation and Adaptive Reuse (hereafter Feasibility Study) prepared by Anthony B. Court of Trayis, Verdugo, Curry & Associates, Structural Consultants, and John D. Henderson, FAIA, and contained in Appendix C to the EIR. Existing conditions were then described as follows:

- The brick veneer was in severely deteriorated condition, due primarily to the disintegration of the old lime mortar.

- While the content of the veneer ties was undetermined, it was clear that they were not performing adequately.

- The veneer, due to the weakened mortar and inadequate ties to the framing system, was extremely susceptible to damage in an earthquake and, with its weight and height, posed a significant life safety hazard.

- In order to secure the brick veneer for life safety and weatherproofing reasons, the most practical solution appeared to be to remove and rebuild 40% to 50% of the veneer.

- Large sections of the brick and concrete basement walls had been significantly weakened by disintegration of the mortar and concrete.

- Significant deterioration of the foundation wall system was weakening the walls and reinforcement will be required.

- The lateral load resisting system was significantly deficient at the first floor and foundation and will need reinforcement.

- The weakened porch columns will require reconstruction and reinforcement as they pose a life safety hazard.

- The south chimney was partially braced to the roof but with its great weight and height, it posed a major life safety hazard in an earthquake.

- The garden walls were also very weak and were high enough to pose a life safety hazard.

- The Fire Department had identified several deficiencies including the lack of an additional exit from the second floor.

- All roofing was replaced in 1964 and was nearing the end of its useful life.

- All of the interior finishes showed the signs of 35 years of wear since the last major remodel.

In 1999, the structure was the subject of an Update Report for the Feasibility Study for Rehabilitation and Adaptive Reuse (hereafter Update Report) prepared by Anthony B. Court of Curry Price Court, Structural Consultants, and John D. Henderson, FAIA, also contained in Appendix C to the EIR. Current conditions are described in the Update Report as follows:

- The structural and architectural condition of the facility has continued to deteriorate since 1991.

- The brick veneer at the peak of the gable end wall above the entry has collapsed and been replaced with a plastered wall.

- Segments of the partially collapsed brick garden wall on the south property line have been completely removed and replaced with chain link fencing.

- The brick mortar in the veneer wails has deteriorated noticeably, leaving additional cavities and air gaps in the mortar spaces.

- The roofing shingles and membranes have not been replaced and have deteriorated to a significantly greater degree.
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- A recent major roof drain stoppage reportedly caused partial flooding of the north east portions of the building, resulting in water damage and deterioration of the veneer

The 1991 Feasibility Study evaluated modifications made to the building since its construction in 1905 and existing conditions including those pertaining to the structural frame, brickwork, veneer ties, foundations, roofing and interior finishes. It identified the applicable Codes, including the State Historical Building Code, and evaluated the structural and architectural code issues present. The Study then determined the scope of repairs required for the adaptive reuses which were deemed feasible in consideration of code, zoning, architectural and structural issues. Five reuse alternatives were studied: continued use by the Elks Lodge, use by another non-profit organization, use as a bed and

breakfast, use as professional offices and use as a restaurant. Using the existing building and site dimensions, schematic plans or repair and remodel lists were developed for each of the five alternatives.

The Feasibility Study determined the repairs and remodeling that would be required to implement each of the reuse alternatives. The minimal requirements for continued use by the Elks, which would also be required for the other reuses, were:

> Removing and rebuilding 40% to 50% of the existing brick veneer, reconstructing the brick chimney with reinforcement and adequate bracing, reconstructing the front porch columns, reconstructing and reinforcing the garden walls and resolving all Fire Department noted deficiencies including the creation of an additional exit from the second floor.

Reuse by another non-profit organization will also require termite treatment and repairs and remodeling and refinishing to make the facility attractive to new users. Reuse by a bed and breakfast or office use would also require some demolition and extensive remodeling. Reuse by a restaurant use would require a greater amount of demolition and also extensive remodeling.

The Feasibility Study then determined the probable cost for each of the reuse alternatives using cost guide books, experience with similar rehabilitation work and consultation with specialists in appropriate areas such as brick veneer anchorage and kitchen planning.

The 1991 Feasibility Study was accompanied by an Economic Feasibility Analysis of Alternative Adaptive Reuses (hereafter Economic Analysis) by Stanley F. Lomas, a specialist in real estate development financial analysis. The Economic Analysis determined the potential market value of each proposed reuse alternative for the site, utilized the Feasibility Study's probable costs as estimated hard costs and estimated soft costs using a standard formula. The overall cost to achieve each reuse alternative was then subtracted from the potential market value to determine residual land value

For purposes of the environmental review of the Cambridge Square Project, the 1991 Feasibility Study and 1991 Economic Feasibility Analysis were updated by the same authors. The 1999 Update Report is also included in Appendix C to the EIR and the 1999 Economic Analysis is attached to the Cambridge Square Findings and Statement of Overriding Considerations as Exhibit “A.”

As noted in the Update Report, the structure has continued to deteriorate in the past eight years and building codes, including the historical code, have become more restrictive, especially in the areas of seismic and accessibility. Because of the intervening deterioration, the extent of necessary renovations and repair has increased and changes in seismic design requirements will increase the scope of the required seismic upgrade for the various alternatives. The interior and exterior finishes, wood work, roofing, plumbing, electrical and mechanical systems will require more extensive repair than estimated in 1991. Changes to the State Historical Building Code will result in increased requirements for accessibility and fire protection.

The 1991 adaptive reuse alternatives and one additional alternative were studied in light of the above described new conditions. Continued use by the Elks will require the repairs and renovations identified in 1991 and, at a minimum, a man-lift at the entry, an interior elevator and a new fire alarm system. Reuse by another non-profit will require similar repairs and renovations and a more extensive remodel and upgrade. Reuse for a bed and breakfast will require extensive repair, remodel, renovation and upgrade to meet hospitality and accessibility requirements, light and ventilation requirements and fire and life safety requirements. Reuse as professional offices will require the same improvements as the bed and break-fast and business functionality requirements. Reuse as a restaurant will require the same improvements and the specific requirements ora restaurant usage. An additional reuse option, conversion to condominium use, was developed with schematic plans and also evaluated.

The 1999 Update then provisionally updated the probable cost for each of the original five reuse alternatives by factoring in a 16% cost escalation based on Means Construction Cost data for San Diego and to provide for accessibility improvements. The probable cost for the condominium alternative was estimated at 33% greater than the 1999 probable cost for the Bed and Breakfast alternative.

Adaptive Reuse Alternatives

All of the Adaptive Reuse Alternatives discussed herein are addressed in the Feasibility Study for Rehabilitation and Adaptive Reuse of the Elks Lodge #168. (1991 and 1999), ("Feasibility Study") prepared by Curry Price Court, Structural and Civil Engineers, and John D. Henderson, FAIA. This Feasibility Study is contained in Appendix C to Final Environmental Impact Report No. 96-7749. Appendix C is available and may be reviewed or purchased for the cost of reproduction at the office of the Land Development Review Division at 1222 First Avenue, Fifth Floor, San Diego CA 92101. The information developed for the Feasibility Study was then the subject of an Elks Lodge 4th & Nutmeg ProForma Analyses, (ProForma Analyses) by MarketPoint Realty Advisors. These ProForma Analyses are attached to these Findings and Statement of Overriding Considerations as Exhibit A.

The MarketPoint ProForma Analyses utilized a Cost Pro Forma model recommended by the City's Planning Review staff as an appropriate model to determine the economic feasibility of alternative adaptive reuses for historic properties.

1. Rehabilitation and continued use by Elk's Lodge #168

The subject property was sold by the Elks to the project applicant during the processing of this project. Because of the change in circumstances created by this transaction, the economic analysis of this alternative would be the same as that presented by Alternative 2 below.

2. Rehabilitation and Reuse by another Non-Profit Organization

This alternative would rehabilitate the building for reuse by another non-profit organization. According to the Feasibility Study, in order for another organization to make use of the building for any extended period of time, the same life safety repairs described for the previous alternative must be made. These repairs include removing and rebuilding 40% to 50% of the existing brick veneer, reconstructing the brick chimney with reinforcement and adequate bracing, reconstructing the front porch columns, reconstructing and reinforcing the garden walls and resolving all Fire Department noted deficiencies including the creation of an additional exit from the second floor. The installation of a man-lift at the entry, an interior elevator and a new fire alarm system will also be required. In addition, termite treatment and repairs would be required as would remodeling and refinishing to make the facility attractive to new users. This additional work would likely include remodeling the kitchen and restrooms, remodeling the dining room/sun porch, office, entry lobby and front hall and refurbishment of all interior finishes including carpets, wall paneling over plaster, acoustic tile and sprayed acoustic ceilings, painted surfaces and the finishes in the meeting halls.

Finding: The hard costs for these fire protection improvements, life safety repairs, other repairs, remodeling and refurbishment were estimated in the 1991 Feasibility Study and those costs are estimated by MarketPoint to have increased by 25% in the intervening nine years to $426,430. An $80,000 cost for required accessibility improvements was added in the 1999 Feasibility Study. When site acquisition costs of $1,100,000 and site development costs of $97,150 are added to these figures, the total estimated hard costs for this Alternative are $1,703,580. The ProForma Analysis determined that when indirect costs such as soft costs and furniture, fixtures and equipment are included, the total development costs for this alternative are $2,382,143. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be a loss of $6,143, resulting in a -0.26% return on costs, and is therefore, economically infeasible.

3. Rehabilitation and Conversion to a Bed and Breakfast Facility

This alternative would rehabilitate and convert the existing structure to a bed and breakfast facility. On May 25, 2000, the property was designated as a local historical site, and therefore, the property would currently be eligible for a Conditional Use Permit to implement this adaptive reuse alternative. According to the Feasibility Study, in order to accomplish this conversion, the 1955 bar addition would be demolished to provide required parking, the 1955 meeting hall addition would be remodeled to create 16 rooms with baths, half of the first floor and all of the second floor of the former residence would be remodeled to create 13 rooms with baths, and the kitchen, dining room and sun porch areas would all be remodeled. All of the seismic and accessibility improvements and the life safety repairs described below for other Adaptive Reuse Alternatives would be required. These repairs include removing and rebuilding 40% to 50% of the existing brick veneer, reconstructing the brick chimney with reinforcement and adequate bracing, reconstructing the front porch columns, reconstructing and reinforcing the garden walls and resolving all Fire Department noted deficiencies including the creation of an additional exit from the second floor. Increased accessibility and fire protection

requirements would also require the installation of a man-lift at the entry, an interior elevator and a new fire alarm system.

Finding: The hard costs for these fire protection improvements, life safety repairs, other repairs, remodeling and refurbishment were estimated by the 1991 Feasibility Study and those costs are estimated by MarketPoint to have increased by 25% in the intervening nine years to $1,358,798. An $80,000 cost for required accessibility improvements was added in the 1999 Feasibility Study. When site acquisition costs of $1,100,000 and site development costs of $97,150 are added to these figures, the total estimated hard costs for this Alternative are $2,635,948. The ProForma Analysis determined that when indirect costs such as soft costs and furniture, fixtures and equipment are included, the total development costs for this alternative are $4,179,468. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be $227,651, resulting in a 5.45% return on costs, and is therefore, economically infeasible.

4. Rehabilitation and Conversion to Professional Offices

This alternative would convert the facility into professional offices. According to the Feasibility Study, the 1955 bar addition would be demolished to provide the required parking and the 1955 meeting hall addition, the first and second floors of the original residence, including the kitchen and dining areas, would all be remodeled to create 33 offices and a reception area. All of the accessibility and fire protection improvements and life safety repairs described above for the previous alternatives would also be required.

Finding: The hard costs for these fire protection improvements, life safety repairs, other repairs, remodeling and refurbishment were estimated by the 1991 Feasibility Study and those costs are estimated by MarketPoint to have increased by 25% in the intervening nine years to $1,429,448. An $80,000 cost for required accessibility improvements was added in the 1999 Feasibility Study. When site acquisition costs of $1,100,000 and site development costs of $97,150 are added to these figures, the total estimated hard costs for this Alternative are $2,706,598. The ProForma Analysis determined that when indirect costs such as soft costs and furniture, fixtures and equipment are included, the total development costs for this alternative are $4,277,165. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be $113,034, resulting in a 2.64 % return on costs, and is therefore, economically infeasible.

5. Rehabilitation and Conversion to Restaurant Use.

This alternative would convert the facility into a restaurant. According to the Feasibility Study, the 1955 meeting hall would be demolished to provide the required parking, the existing bar area would be converted into a commercial kitchen and a storage area plus bar/lounge for the restaurant, the entire first floor would be remodeled for restaurant seating and the entire second floor would be remodeled to create private dining rooms and a banquet room. All of the accessibility and fire protection improvements and life safety repairs described above for the previous alternatives would also be required.

Finding: The hard costs for these fire protection improvements, life safety repairs, other repairs, remodeling and refurbishment were estimated by the 1991 Feasibility Study and those costs are estimated by MarketPoint to have increased by 25% in the intervening nine years to $1,422,916. An $80,000 cost for required accessibility improvements was added in the 1999 Feasibility Study. When site acquisition costs of $1,100,000, site development costs of $97,150 and demolition costs of $55,000 are added to these figures, the total estimated hard costs for this Alternative are $2,755,066. The ProForma Analysis determined that when indirect costs such as soft costs and furniture, fixtures and equipment are included, the total development costs for this alternative are $4,430,544. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be $365,000, resulting in a 8.24 % return on costs, and is therefore, economically infeasible.

Rehabilitation and Conversion to Condominium Use

This alternative would convert the facility into a small condominium complex. According to the Feasibility Study it could contain 12 condominium units, 3 one bedroom units and 9 two bedroom units. In order to accomplish this conversion, the 1955 bar addition would be demolished to provide required parking. All of the seismic and accessibility improvements and the life safety repairs described above for the previous alternatives would be required.

Finding: The hard costs for these fire protection improvements, life safety repairs, other repairs, remodeling and refurbishment were estimated by the 1991 and 1999 Feasibility Studies and those costs, including the 25% escalation factor, are estimated at $2,745,881. When site acquisition costs of $ I, 100,000 and site development costs of $97,150 are added to these figures, the total estimated hard costs for this Alternative are $3,943,031. The ProForma Analysis determined that when indirect costs such as soft costs are included, the total development costs for this alternative are $5,375,893. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be a loss of $2,564,293, resulting in a -47.70 % return on costs.

While this alternative would avoid significant impacts to the historic resource and cumulative impacts to this category of resource, because of the above projected return on costs, it is economically infeasible.

6A. Rehabilitation and Conversion of 1905 structure to condominium use with additional newly constructed condominiums on the site

This alternative would convert the 1905 structure into 6 condominium units as proposed in Alternative 6 above. The 1955 meeting hall would be demolished and a new building containing six townhome condominiums over an underground parking garage with 12 parking spaces would be constructed on the west side of the property behind the 1905 structure. An additional 12 parking spaces would be provided by a surface parking lot on the north side of the property. This alternative would result in a small condominium complex of 12 units, 3 one bedroom units, 3 two bedroom units and 6 three bedroom

townhome units. All of the seismic and accessibility improvements and the life safety repairs described above for the previous alternatives would be required.

Finding: The hard costs for these fire protection improvements, life safety repairs , other repairs, remodeling and refurbishment for the 11,000 square foot 1905 structure were estimated in the 1991 and 1999 Feasibility Studies and those costs, including the 25% escalation factor, are estimated at $1,064,867. Construction costs for the new townhome building with underground parking are estimated at $761,760. When site acquisition costs of $1,100,000, site development costs of $97,150, demolition costs of $55,000, accessibility improvements of $80,000 and surface parking lot costs of $8625 are added to these figures, the total estimated hard costs for this Alternative are $3,167,402. The ProForma Analysis determined that when indirect costs such as soft costs are included, the total development costs for this alternative are $4,395,324. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be a loss of $1,108,524 resulting in a -25.22% return on costs, and is therefore, economically infeasible.

Conclusion

The special circumstances or conditions applying to this land are the life safety, structural and architectural deficiencies of the existing structure which are related to its age, multiple conversions over its life span and its resulting deteriorating physical elements. While these elements could be repaired for purposes of continued use by the Elks Lodge alternative or the five other potential adaptive reuse alternatives, in each instance the alternatives are economically infeasible and Alternative Compliance under RPO is required to prevent unnecessary hardship to the applicant. Strict application of the provisions of RPO would deprive the property owner of reasonable use of the property. Unnecessary hardship is evidenced by the following:

- Rehabilitation for continued use by the Elks Lodge would require the expenditure of $2,382,143. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be a loss of $6,143, resulting in a 0.26% return on costs, and is therefore economically infeasible.

- Rehabilitation for bed and breakfast use would result in a development cost of $4,179,468. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be $227,651, resulting in a 5.45% return on costs, and is therefore, economically infeasible.

- Rehabilitation for office use would result in a development cost of $4,277,165. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be $113,034, resulting in a 2.64 % return on costs, and is therefore, economically infeasible.

- Rehabilitation for restaurant use would result in a development cost of $4,430,544. The ProForma Analysis also determined that the net operating income/net profit

from this Alternative would be $365,000, resulting in a 8.24 % return on costs, and is therefore, economically infeasible.

- Rehabilitation for condominium use would result in a development cost of $5,375,893. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be a loss of $2,564,293, resulting in a -47.70 % return on costs, and is therefore, economically infeasible.

- Rehabilitation for condominium use and replacement of the meeting hall with a new building would result in a development cost of $4,395,324. The ProForma Analysis also determined that the net operating income/net profit from this Alternative would be a loss of $1,108,524 resulting in a -25.22% return on costs, and is therefore, economically infeasible.

b. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands;

As discussed above, every feasible reuse or adaptive reuse alternative that would retain the 1905 structure was extensively evaluated in the 1991 and 1999 feasibility and economic analyses. Each alternative was and is economically infeasible as demonstrated in those analyses.

c. Alternative compliance for the *development* will not adversely affect the Progress Guide and General Plan for the City of San Diego;

The Progress Guide and General Plan called for a cultural resources management program that maximizes, insofar as practicable, the living utility of historic resources. The standard "insofar as practicable" is consistent with the "feasible" standard which is applied by RPO and CEQA. Alternative compliance will not adversely affect the General Plan because its mandate to retain historic structures, to the extent practicable, has been applied.

d. The proposed development will conform to the adopted community plan for the area and any other applicable plans, policies and ordinances (SDMC§101.0462.0012.1).

The project is consistent with the purpose and intent of the MCPDO and the Uptown Community Plan. These documents encourage development compatible with the pattern of existing neighborhoods. The proposed density is 68 percent of the total permitted by the underlying zone. The surrounding neighborhood is an eclectic mix of scale, massing, and materials, with no unifying architectural theme. Therefore, the bulk and scale of this 34-unit project is compatible with the existing built environment in the surrounding neighborhood. Project design includes all requirements by the Code, including parking, access, building setbacks, building height and landscaping. It also meets the purpose and intent of the MCPDO, which calls for accessible and surveillable streets by the provision of direct street access for each ground unit.

The FAR limitation and diagonal plane dimension deviations are not considered significant because the MCPDO regulations contemplates larger multifamily projects. The applicant has limited the project density to 68 percent of the maximum number of residential units permitted by the underlying zones. In addition, the bulk of the density is setback from third Avenue. There are six two story townhome units along Third Avenue. The structure's design allows each unit to have direct street access. The proposed structures are well articulated and in scale with residential development across Third Avenue. The Third Avenue street yard deviation is also not considered significant because the project's three street frontages provide a greater overall street yard than a typical multifamily project. The deviation is also relatively minor (about 10 percent). The typical multifamily project would only have one or two street frontages. These deviations do not diminish the project's compliance with the intent and purpose of the MCPDO.

The project has been designed to be consistent with the intent and purpose of the MCPDO and Uptown Community Plan.

Mid-City (PDO) (~Municipal Code Section 103.1501)

a. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (Section 103.1501), the Mid-City Community Plan, the Uptown Community Plan, and the Mid-City Design Plan, and will not adversely affect the Mid-City Community Plan, the Uptown Community Plan or the City's Progress Guide and General Plan.

The project is consistent with the purpose and intent of the MCPDO and the Uptown Community Plan. These documents encourage development compatible with the pattern of existing neighborhoods. The proposed density is 68 percent of the total permitted by the underlying zone. The surrounding neighborhood is an eclectic mix of scale, massing, and materials, with no unifying architectural theme. Therefore, the bulk and scale of this 34-unit project is compatible with the existing built environment in the surrounding neighborhood. Project design includes all requirements by the Code, including parking, access, building setbacks, building height and landscaping. It also meets the purpose and intent of the MCPDO, which calls for accessible and surveillable streets by the provision of direct street access for each ground unit.

The FAR limitation and diagonal plane dimension deviations are not considered significant because the MCPDO regulations contemplates larger multifamily projects. The applicant has limited the project density to 68 percent of the maximum number of residential units permitted by the underlying zones. In addition, the bulk of the density is setback from third Avenue. There are six two story townhome units along Third Avenue. The structure's design allows each unit to have direct street access. The proposed structures are well articulated and in scale with residential development across Third Avenue. The Third Avenue street yard deviation is also not considered significant because the project's three

street frontages provide a greater overall street yard than a typical multifamily project. The deviation is also relatively minor (about 10 percent). The typical multifamily project would only have one or two street frontages. These deviations do not diminish the project's compliance with the intent and purpose of the MCPDO.

The project has been designed to be consistent with the intent and purpose of the MCPDO and Uptown Community Plan.

b. The proposed development will be compatible with existing and planned land uses on adjoining properties and will not constitute a disruptive element to the surrounding neighborhood and community. Architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable.

The bulk and scale of the project is compatible with the existing built environment in the surrounding neighborhood. The proposed density is 68 percent of the total permitted by the underlying zone. The surrounding neighborhood is an eclectic mix of scale, massing, and materials, with no unifying architectural theme. Existing buildings within the immediate area range from one to four stories. The project includes four buildings that surround a central plaza. One is two stories, and the other three are four stories. The project has been designed to be street-friendly by the provision of active, accessible and surveillable streets and street yards. Active and surveillable streets are achieved by the project through the provision of direct front door access for ground floor units through all street frontages.

As such, the proposed development would be compatible with existing and planned land uses on adjoining properties and would not constitute a disruptive element to the surrounding neighborhood and community. Architectural harmony with the surrounding neighborhood and community is achieved as far as practicable.

c. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity of the project site.

The bulk and scale of the project is compatible with the existing built environment in the surrounding neighborhood, which is a mix of office and residential uses. The proposed density is 68 percent of the total permitted by the underlying zone. Existing buildings within the immediate area range from one to four stories. The project has been designed to be street-friendly by the provision of active, accessible and surveillable streets and street yards as required by the MCPDO. Traffic impact from the project is not significant, according to the environmental review of the project, pursuant to EIR No. 96-7749. The project's sixty-eight parking spaces provided is two over the minimum requirement.

As such, the proposed development would not be detrimental to the health, safety and general welfare of persons residing or working in the area, and would not adversely affect other property in the vicinity of the project site.

d. The proposed use will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

The proposed project is designed to be in compliance with the intents, purposes, and regulations of the MCPDO, as discussed in finding "a." The three deviation requests, as also discussed in Finding "a," do not diminish the project's compliance with the intent and purpose of the MCPDO. Project design includes all amenities required by the Code, including parking, access, building setbacks, building height and landscaping.

RPO does not permit development of significant historic sites unless all feasible measures to protect and preserve the significant historic resource are required as a condition of development approval. When there are no feasible measures to protect and preserve the special character of the historic resource, a Resource Protection Permit may be issued to permit development on the site if findings of Alternative Compliance are made that reuse of the local historical resource is economically infeasible. The applicant has submitted an economic feasibility evaluation of several adaptive reuse alternatives that would retain the 1905 structure. Each alternative has been determined to be economically infeasible as demonstrated in those analyses. Therefore, Alternative Compliance findings for approval of the proposed project can be made.

Therefore, the proposed use would comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Tentative Map, Mid-City Communities Development Permit, Resource Protection Ordinance Permit No. 96-7749 is hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 96-7749, a copy of which is attached hereto and made a part hereof.

JUAN BALIGAD
Development Project Manager
Planning & Development Review